

Alabama

- **Strategic Operation Policy:** Alabama is an opt-out state.¹
- **How Do Doctors Get the Info?** Doctors have access to patient records under TPO situations under HIPAA, therefore, doctors do not have to consent to access patient information for TPO. However patients are informed of their opt-out choice of disclosing their data via the HIE. Patient consent is needed for information access regarding sensitive data (42 CFR part II). Also, Alabama's opt-out policy is focused on disclosure of data and as this time is global in nature.²
- **Do Patients Have to opt-in or opt-out each time?** Patients are not required to opt-in or opt-out on each encounter. However, our patients have the option to opt-out or opt-in at will. Alabama has suggested that providers use the NPP with an opt-out signature line. Alabama has developed an Universal HIE Opt-out form, which Alabama expected to be approved by its governing Commission in January 2013.³
- **What is the rule for patients with multiple specialists:** Alabama does not have a rule at this time. In the future, One Health Record will provide granular/meaningful choice/selective opt-out options, but at this time it is a global opt-out approach.⁴

¹ Email from Gary D. Parker, Project Director for Alabama's HIE, One Health Record (December 7, 2012)

² Id.

³ Id.

⁴ Id.

Alaska

- **Strategic Operation Policy: Opt-Out Policy** (can completely or partially opt out).
 - If patient partially opts out, health information can be accessed in an emergency situation. If patient completely opts out, health information cannot be accessed in any manner.⁵
 - At either opt-out level, legally required public health reporting such as the reporting of infectious diseases will still occur through HIE.⁶
- **How Do Doctors Get the Info?**
 - Appears to be as a result of the doctor-patient relationship, as long as patient doesn't opt out completely.
- **Do Patients Have to opt-in or opt-out each time?**
 - Appears to be a one-time event.⁷

⁵ Information gathered from Alaska eHealth Network; Health Information Patient Opt-out form (<http://www.ak-ehealth.org/wp-content/uploads/AeHN-Opt-Out-draft-v4.pdf>)

⁶ Information gathered from Alaska eHealth Network: Consumer Opt Out Election Policy 2.100 (<http://www.ak-ehealth.org/wp-content/uploads/AeHN-Consumer-Opt-Out-Election-Policy-2.100-final-approved-07-20-2011.pdf>)

⁷ See <http://www.ak-ehealth.org/wp-content/uploads/AeHN-Consumer-Opt-Out-Election-Policy-2.100-final-approved-07-20-2011.pdf>

Arizona

- **Strategic Operation Policy:** Opt-Out. Patients can make the choice to withhold consent and HINaz will not allow access to that individual's clinical information to anybody other than emergency care providers.⁸

⁸ Information gathered from Health Information Network of Arizona-Frequently Asked Questions; <http://hinaz.org/patient-faq>

Arkansas

- **Strategic Operation Policy: Opt-Out.**⁹
- **How Do Doctors Get the Info?** Patients must be presented with the option to opt-out. Doctors and other health care providers may access after signing a participation agreement.¹⁰
- **Do Patients Have to opt-in or opt-out each time?** Patients are given the opportunity to opt-out at the initial point of care and periodically thereafter.¹¹
- **What is the rule for patients with multiple specialists:** Arkansas does not have a special rule.¹²

⁹Email from Jan Bartlett, Policy Director, Office of Health Information Technology - Arkansas (December 6, 2012)

¹⁰ Id.

¹¹ Id.

¹² Id.

California

- **Strategic Operation Policy: Opt In/Opt Out Policy.**
 - **Opt In:** Will be asked to give written consent giving permission for your information to be exchanged through the HIO.
 - **Opt Out:** Patient should be provided with information about the HIO, give a period of time to exercise your opportunity to refuse. To Opt out, you must either click as certain box on the website or send in a form by mail.¹³
- **How Do Doctors Get the Info?**
 - If doctor is an authorized healthcare provider (i.e. doctor, nurse or pharmacist), they will have access to the information by virtue of their direct patient relationship with the patient.¹⁴
 - May have access to a patient's health information via personal smart phone access.¹⁵
 - Providers who use HIOs to exchange health information ask patients for permission to allow the health information to be exchanged through the HIO.¹⁶
- **Do Patients Have to opt-in or opt-out each time?**
 - Depends on the procedures that have been created by each health care provider organization. Sometimes it will last until the patient revokes his/her consent, or a patient may be asked to sign a new consent periodically (such as annually).¹⁷
- **What is the rule for patients with multiple specialists**
 - All doctors will have access to the information as long as they (the provider) are participating in the electronic exchange of health information. Also, many not have access if your health information is still in paper form and not entered electronically in an EHR.¹⁸

¹³ Information gathered from California's eHealth Privacy 360 Patient FAQ Page: http://www.ohii.ca.gov/privacy360/Patients/PatientFAQ.aspx#question_17

¹⁴ Information gathered from California's eHealth Privacy 360 Patient FAQ Page: http://www.ohii.ca.gov/privacy360/Patients/PatientFAQ.aspx#question_11

¹⁵ Id.

¹⁶ Id.

¹⁷ Information gathered from California's eHealth Privacy 360 Patient FAQ Page: <http://www.ohii.ca.gov/privacy360/Providers/ProviderFAQ.aspx>

¹⁸ Information gathered from Information gathered from California's eHealth Privacy 360 Patient FAQ Page: http://www.ohii.ca.gov/privacy360/Patients/PatientFAQ.aspx#question_11

Colorado

- **Strategic Operation Policy: Opt-Out (must sign form).**
 - Means emergency room doctors and other medical professionals may not have access to your complete medical information.
 - Can opt back in at any time.¹⁹
- **How Do Doctors Get the Info?**
 - Appears that docs will have access to the information as long as they have a doctor-patient relationship with the patient and the patient doesn't opt-out and doctor is participating in HIE. Doc who is participating will have to notify patients that they are providing care to they are participating in HIE.²⁰
- **Do Patients Have to opt-in or opt-out each time?**
 - Appears to be a one-time thing.

¹⁹ Information gathered from Colorado Health Information Organization-Your Choices Section: <http://www.corhio.org/for-patients/your-choices.aspx>

²⁰ Information Gathered from FAQ for Patients-Colorado Regional Health Information Exchange. <http://www.corhio.org/for-patients/faqs-for-patients.aspx>

Connecticut

- **Strategic Operation Policy: Opt-Out.** If a patient does not want their information included in HITE-CT, they simply tell their doctor or other health care provider and sign an “opt-out” form.²¹
- **How do Doctors Get the Info:** Appears doctors and other health care providers will have access to patients information provided they have a doctor-patient relationship and the patient does not opt-out.²²
- **Do Patients have to opt-in/opt-out each time?** Appears to be a one time thing.²³
- **What is the rule for patients with multiple specialists?** Does not appear to be a rule that applies to patients with multiple specialists.²⁴

²¹ Information gathered from the Health Information Technology Exchange of Connecticut-For Consumers Section;

<http://www.ct.gov/hitect/cwp/view.asp?a=4277&q=502942&hitectNav=|>

²² Id.

²³ Id.

²⁴ Id.

Delaware

- **Strategic Operation Policy:** Opt-Out policy (if patient chooses not to participate, healthcare providers will not be able to get access to medical info-even in emergency situation.²⁵
 - In order to not participate, the patient must complete the Non-Participation Form.²⁶
- **Do Patients Have to opt-in or opt-out each time?**
 - Appears that you only have to opt-out once.

²⁵ Information gathered from DHIN Privacy Policy-Delaware Health Information Network; <http://www.dhin.org/node/146>

²⁶ Id.

Florida

- **Strategic Operation Policy: Opt-In.** Florida requires patient authorization for the disclosure of sensitive health data with exceptions for medical emergencies.²⁷
- **How Do Doctors Get the Info?**
 - Appears to be by virtue of doctor patient relationship, but only if patient gives authorization.
- **Do Patients Have to opt-in or opt-out each time?**
 - Appears that the patient has to provide authorization to each healthcare organization that wants to obtain health information from another provider.²⁸

²⁷ Information gathered from Florida HIE Guide to Patient Authorization;
<https://www.florida-hie.net/Files/Florida%20HIE%20Guidance%20on%20Patient%20Authorization%20final.pdf>

²⁸ Information gathered from Florida HIE -About Us-Patient Authorization Section;
<https://www.florida-hie.net/patientsprivacy.html>

Hawaii

- **Strategic Operation Policy:** The consensus from the stakeholder groups is that Hawai'i is considered an opt-out state.²⁹
- **How Do Doctors Get the Info?** Currently in Hawaii it is a referral process based on a physician at the point of care. Hawaii implemented direct messaging in April 2012 and was scheduled begin Phase II in January 2013. Phase II begins start with a Provider Patient Query, Record Locator Services and State DOH feeds for mandated reporting. This will only point common data sets from the MPI query from participating data providers. If they need additional information they will be able to utilize Direct Messaging integrated into the query app of the exchange to retrieve and communicate with providers. As demand starts to increase, Hawaii is planning to build needed components in future releases (such as Radiology reports and images).³⁰
- **Do Patients Have to opt-in or opt-out each time?** Hawaii is putting the responsibility on the provider for now as they need to send messages based on Meaningful Use requirements. As Meaningful Use Stage 2 begins, Hawaii envisions a process where the consumer can print out an opt-out form from the HIE website and have their provider authorize the request.³¹
- **What is the rule for patients with multiple specialists?** Hawaii does not have a rule specific to multiple conditions/specialists, but in 2012 passed the Harmonization Act 315, which brings together the state healthcare statutes under HIPPA. They are further evaluating the impact of this act, but don't believe that this will become an issue in their state anytime soon.³²

²⁹ Email from Greg Suenga, State HIE Project Director (December 6, 2012)

³⁰ Id.

³¹ Id.

³² Id.

Idaho

- **Strategic Operation Policy:** Opt-Out (patients can chose not to disclose their medical information-but then it may not be available in an emergency situation).³³
 - To Opt Out, patient must complete and sign a request to restrict disclosure form.
 - Request to Restrict Disclosure of Health Information Disclosure Form ³⁴
 - Request to Rescind Restrict Disclosure of Health Information³⁵
- **How Do Doctors Get the Info?**
 - Docs appear to have access to the info by virtue of the doctor-patient relationship as long as patient does not opt out.
- **Do Patients Have to opt-in or opt-out each time?**
 - Appears to be a one-time thing.

³³ Information gathered from Patient FAQ section-Idaho Health Data Exchange;
<http://idahohde.org/dsite/node/35>

³⁴ Request to Restrict Disclosure of Health Information Form-Idaho Health Data Exchange,
http://idahohde.org/dsite/sites/default/files/webform/uploads/IHDE%20Request%20to%20Restrict%20Form_1.pdf

³⁵ Request to Rescind Restrict Disclosure of Health Information-Idaho Health Data Exchange,
<http://idahohde.org/dsite/sites/default/files/webform/uploads/Request%20to%20Rescind.pdf>

Indiana

- **Strategic Operation Policy:** The state of Indiana follows HIPPA regarding consent. Indiana has an opt-out policy.^{36 37}
- **How Do Doctors Get the Info?** Access to the information is driven by a triggering event. In most, if not all cases, this by virtue of the doctor patient relationship. There are other security parameters regarding access but access does not require specific patient authorization.³⁸
- **Do Patients Have to opt-in or opt-out each time?** In Indiana, the healthcare providers manage the opt-out processes. Most of these organizations have wording in their Notice of Privacy Practices about sharing information with third parties.³⁹
- **What is the rule for patients with multiple specialists:** Indiana does not have a special rule for patients with multiple conditions or multiple specialists.⁴⁰

³⁶ Email from Keith Kelly, Vice President, Professional Services, Indiana Health Information Exchange (December 6, 2012, 1:14 PM PST)

³⁷ Mr. Kelley would like us to note that IHIE is a non-profit organization and not the state designated entity for Indiana.

³⁸ Email from Keith Kelly, Vice President, Professional Services, Indiana Health Information Exchange (December 6, 2012, 1:14 PM PST)

³⁹ Id.

⁴⁰ Id.

Iowa

- **Strategic Operation Policy: Opt-Out.**⁴¹
- **How Do Doctors Get the Info?** All healthcare providers will have a specific “roll-based” access to the IHIN. This means IHIN participants are given certain access based on the role they have in the hospital or clinic.⁴²
- **Do Patients Have to opt-in or opt-out each time?** Iowa e-Health is developing policies and procedures that allow you to “opt-out” of the IHIN.⁴³

⁴¹ Information gathered from Iowa e-Health Opting Out Section;
http://www.iowahealth.org/consumer/ opting_out.html

⁴² Information gathered from Privacy & Security-Iowa e-Health;
<http://www.iowahealth.org/consumer/privacy.html>

⁴³ Information gathered from Iowa e-Health, Opting Out Section;
http://www.iowahealth.org/consumer/ opting_out.html

Kansas

- **Strategic Operation Policy:** Opt out policy.⁴⁴
 - Opt-Out Form⁴⁵
 - Opt-In Form (Request to Revoke Restrictions on Access to Information Form)⁴⁶
- **How Do Doctors Get the Info?** Doctors who are participating in HIE may access information on a need-to know basis only for purposes of treatment, payment, and healthcare operations.⁴⁷
- **Do Patients Have to opt-in or opt-out each time?** Appears to be a one-time thing . Rule states that patients have to submit a “restrictions on access” form to the Kansas Health Information Exchange, which is the oversight agency for health information in the state.⁴⁸

⁴⁴ Information gathered from Kansas Health Information Exchange-Opt Out Section; <http://www.khie.org/for-consumers/opt-out>

⁴⁵ Opt-Out Form-Kansas Health Information Exchange, <http://www.khie.org/for-consumers/opt-out>

⁴⁶ Opt-In Form (Request to Revoke Restrictions on Access to Information Form)- Kansas Health Information Exchange, <http://www.khie.org/for-consumers/opt-in>

⁴⁷ Information gathered from Kansas Health Information Exchange-FAQ Section; <http://www.khie.org/faqs>

⁴⁸ Id.

Kentucky

- **Strategic Operation Policy: Opt-Out.** Patients will be provided with the option to participate in the exchange or opt-out.⁴⁹
- **How do Doctors Get the Info?** A healthcare provider who has a doctor-patient relationship with a patient, provided the patient has given consent has immediate access to a patient's health history, including laboratory and imaging reports.⁵⁰
- **Do Patient's Have to Opt-Out/Opt-In Each time?** It appears that a patient only has to consent once. The document states that once a patient consents, a healthcare provider has immediate access to a patient's health history, and that the patient no longer is required to fill out any more forms.⁵¹
- **What is the rule for patients with multiple specialists?** Kentucky appears to share patient information with all healthcare providers involved in the patient's care as soon as the patient has given access to one healthcare provider. As the document states, a patient's information is automatically transferred electronically when she is referred for specialty care.⁵²

⁴⁹ Information gathered from the FAQ section on Kentucky Health Information Exchange from 2009, however the option to opt-out for patients is removed from the 2012 publication; <http://chfs.ky.gov/NR/rdonlyres/A8F4D67E-6FC6-42C2-8ACE-0225187855B8/0/FAQKentuckyHealthInformationExchange11302009.pdf>

⁵⁰ Id.

⁵¹ Id.

⁵² Id.

Louisiana

- **Strategic Operation Policy:** Opt-in. Patient consent is required for his or her information to be accessed via LAHIE. If the consent has not be obtained and the patient presents in an emergency situation, their info may be accessed in LAHIE for emergency treatment purposes, unless the patient explicitly opts out of LaHIE.⁵³
- **How Do Doctors Get the Info?** Presumably via the doctor patient relationship- but double check with the HIE.
- **Do Patients Have to opt-in or opt-out each time?** Looks like a one-time thing.

⁵³ Information gathered from the Louisiana Health Information Exchange-FAQ Section; <http://www.lhcqf.org/faq>

Maine

- **Strategic Operation Policy:** Opt-Out. Patient can opt out over the phone or by filling out an opt-out form.⁵⁴
 - Opt-Out Form⁵⁵
 - Opt-In Form⁵⁶
- **How Do Doctors Get the Info?** Doctor will have access to patient's information by virtue of doctor-patient relationship (information will automatically included when patient visits a participating doctor or hospital).⁵⁷
- **Do Patients Have to opt-in or opt-out each time?** Appears to be a one-time thing: fill out an opt-out form or opt out over the phone.⁵⁸
- **What is the rule for patients with multiple specialists:** The information will be shared with members of your current health care team provided they have the correct identification and unique passwords.⁵⁹

⁵⁴ Information gathered from Your Questions Section of HealthInfoNet;
<http://www.hinfonet.org/patients/your-questions>

⁵⁵ Opt-Out Form-HealthInfoNet,
<https://secure.hinfonet.org/web/forms/optOut.xhtml>

⁵⁶ Opt-In Form-HealthInfo Net, <https://secure.hinfonet.org/web/forms/optIn.xhtml>

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id.

Maryland

- **Strategic Operation Policy:** Opt-Out. Can opt-out by filling out a form or via the website.⁶⁰
 - Opt-Out Form⁶¹
- **How Do Doctors Get the Info?** Presumably via the doctor-patient relationship, but double check with HIE.
- **Do Patients Have to opt-in or opt-out each time?** Appears to be a one-time thing.

⁶⁰ Information gathered from CRISP: Enabling Health IT in Maryland-REC & Statewide HIE for Patients Section:

<http://www.crisphealth.org/ForPatients/tabid/154/Default.aspx>

⁶¹ Opt-Out Form-Chesapeake Regional Information System (CRISP):

<https://connect.crisphealth.org/>

Michigan

- **Strategic Operation Policy:** Opt-Out Policy: Members can Opt-Out.⁶²
- **How do Doctors Get Access to the Information:** Looks like a doctor or healthcare provider gets access to information by virtue of having a doctor-patient relationship, provided the patient does not opt-out.⁶³
- **Do Patients Have to Opt In/Opt-Out Each Time?** Appears to be a one time opt out/opt-in.⁶⁴
- **What is the rule for patients with multiple specialists:** Doesn't appear to be a rule⁶⁵

⁶² Michigan has several sub-Health Information Exchanges being created around the state. The Great Lakes Health Information Exchange provides patients with an opt-out feature. http://www.glhie.org/privacy_security.php

⁶³ Id.

⁶⁴ Id.

⁶⁵ Id.

Mississippi

- **Strategic Operation Policy:** Out-out. May opt out by completing the non-participation form. ⁶⁶ May be reinstated at any time.
 - Opt-Out Form⁶⁷
 - Opt-In Form (Reinstatement of Participation Request)⁶⁸
- **How Do Doctors Get the Info?** Presumably as part of doctor-patient relationship.
- **Do Patients Have to opt-in or opt-out each time?** Appears to be a one-time thing.

⁶⁶ Information gathered from Mississippi Health Information Exchange For Consumers Section; http://www.ms-hin.ms.gov/hin/MS-HIN.nsf/webpages/consumers_consumers?OpenDocument

⁶⁷ Opt-Out Form (Non-Participation Form)-Mississippi Health Information Network, [http://www.ms-hin.ms.gov/hin/MS-HIN.nsf/webpages/consumers_consumers/\\$File/nonparticipation_request6-2012.pdf?OpenElement](http://www.ms-hin.ms.gov/hin/MS-HIN.nsf/webpages/consumers_consumers/$File/nonparticipation_request6-2012.pdf?OpenElement)

⁶⁸ Opt-In Form (Reinstatement of Participation Request)-Mississippi Health Information, [http://www.ms-hin.ms.gov/hin/MS-HIN.nsf/webpages/consumers_consumers/\\$File/reinstatement_participation_request6-2012.pdf?OpenElement](http://www.ms-hin.ms.gov/hin/MS-HIN.nsf/webpages/consumers_consumers/$File/reinstatement_participation_request6-2012.pdf?OpenElement)

Missouri

- **Strategic Operation Policy:** Opt-out policy (Missouri shifted from op-in to opt-out policy).⁶⁹
- **How do Doctors Get Access to the Information:** Missouri will use a “role-based” access system. This means that only authorized individuals will be allowed to view the information on a “need to know” basis.”⁷⁰
- **Do Patients Have to Opt-In/Opt-Out Each Time?** Appears to be a one-time thing.⁷¹

⁶⁹ Statement from Mary Kasal, MHC President & CEO (Feb. 14, 2013) (<http://missourihealthconnection.worldsecuresystems.com/news>)

⁷⁰ Information gathered from Missouri Health Connection, Information for Missouri Consumers, (<http://missourihealthconnection.worldsecuresystems.com/consumers>)

⁷¹ Id.

Montana

- **Strategic Operation Policy: Opt-Out.** By opting out, doctors and other medical professionals may not have access to your complete medical information in a medical emergency.⁷² To opt out you fill out and complete the Opt-out Form in its entirety.⁷³
 - Opt-Out Form⁷⁴
 - Opt-In Form⁷⁵
- **How Do Doctors Get the Info?** Appears to be a result of the doctor-patient relationship and if the person has a valid reason to look at the patient's health information.⁷⁶
- **Do Patients Have to opt-in or opt-out each time?** Appears to be a one time thing.

⁷² Information gathered from Opt-Out Page for Patients on HealthShare Montana;
<http://www.healthsharemontana.org/Opt-Out.htm>

⁷³ Id.

⁷⁴ Opt-Out Form-HealthShare Montana,
<http://www.healthsharemontana.org/assets/pdf/Opt-Out-Form.pdf>

⁷⁵ Opt-In Form-HealthShare Montana,
<http://www.healthsharemontana.org/assets/pdf/Opt-In-Form.pdf>

⁷⁶ Information gathered from Patient Policies page on Health Share Montana;
<http://www.healthsharemontana.org/PatientPolicies.htm>

Nebraska

- **Strategic Operation Policy:** Opt Out. Complete a form.⁷⁷
 - **Opt-in/Opt-Out Form**⁷⁸
- **How Do Doctors Get the Info?** Patients are automatically enrolled in the system if the doctor is participating in the HIE. Thus, they get the information by virtue of doctor-patient relationship and if the patient has not opted-out.⁷⁹
- **Do Patients Have to opt-in or opt-out each time?** Appears to be a one-time thing.

⁷⁷ Information gathered from Nebraska Health Information Initiative Section on Opt Out or Opt Back In;
http://www.connectnebraska.net/index.php?option=com_content&view=article&id=121&Itemid=165

⁷⁸ Opt-in/Opt-Out Form-Nebraska Health Information Initiative,
http://www.connectnebraska.net/index.php?option=com_content&view=article&id=121&Itemid=165

⁷⁹ Id.

Nevada

- **Strategic Operation Policy:** Nevada has an opt-in policy, from which Medicaid clients are excluded.⁸⁰
- **How Do Doctors Get the Info?** A patient would have to authorize it, which would probably require some kind of a doctor-patient relationship.^{81,82}
- **Do Patients Have to opt-in or opt-out each time?** It is TBD via regulations that will be promulgated in 2013. Nevada anticipates that the master patient index will provide consent management, so that consent can be done in an inclusive period of time and with standardization of the information. The same is true for the data segmentation that is allowed.⁸³
- **What is the rule for patients with multiple specialists:** No rule in Nevada at this time. According to officials in Nevada, if a rule is found to be necessary, they believe that they can accomplish it with regulations.⁸⁴

⁸⁰ Email from Lynn O'Mara, Nevada State Health IT Coordinator (December 17, 2012, 3:30 PM PST)

⁸¹ Id.

⁸² Nevada and Hawaii are part of an 8-member Western States Consortium for Interstate HIE funded by an ONC grant, which is helping to address this issue.

⁸³ Email from Lynn O'Mara, Nevada State Health IT Coordinator (December 17, 2012, 3:30 PM PST)

⁸⁴ Id.

New Jersey

- **Strategic Operation Policy:** Appears to be mandatory-vision. Wants all NJ consumers of healthcare to have a secure electronic health record that includes all health related information and services by 2014. Could not find an opt-out option.⁸⁵
- **How Do Doctors Get the Info?** Doctors keep records of your health information (HER-electronic health records) such as your history of diseases and which medications you are taking. The patient keeps track of the PHR or Personal Health Records.⁸⁶
- **Do Patients Have to opt-in or opt-out each time?** Does not appear to be the option for patients to opt-in or opt out. Appears to be a mandatory program you are automatically enrolled in.
- **What is the rule for patients with multiple specialists?** NJ allows doctor to share patient EHR information with specialists and others so that everyone who needs your information has it available when they need it. No mention of needing patient authorization.⁸⁷

⁸⁵ Information gathered from NJ Health Information Technology-Section on NJ Health IT Vision; <http://www.nj.gov/health/njhit/state/visions/>

⁸⁶ Information gathered from NJ Health Information Technology-Section on NJ Health IT Basics; <http://www.nj.gov/health/njhit/patients/basics/>

⁸⁷ Id.

New Mexico

- **Strategic Operation Policy:** Opt-Out. Patients may opt-out of the Health Information Exchange altogether by downloading, completing and signing the opt-out form and mailing it into the NMHIC.⁸⁸
 - Opt-Out/ Opt-Back Form⁸⁹
- **How Do Doctors Get the Info?** Appears to be by virtue of doctor-patient relationship and as long as patient has given consent to be part of Health Information Exchange.
- **Do Patients Have to opt-in or opt-out each time?** Looks like it's a one-time opt-out.

⁸⁸ Information gathered from New Mexico Health Information Collaborative Section on Privacy and Security; <https://www.nmhic.org/Privacy.html>

⁸⁹ Opt-In Form-New Mexico Health Information Collaborative, http://www.connectnebraska.net/index.php?option=com_content&view=article&id=121&Itemid=165

New York

- **Strategic Operation Policy: Opt-In.** Patients just need to sign the HIXNY Consent form and return it to the registration desk when visiting a health care provider.⁹⁰ For BHIX, a patient must indicate the “give consent” on the patient consent form and return the form to the appropriate participating organizations.⁹¹ For HEALTHIX-the policy is opt-in, patient has to give written permission in order to be included.⁹²
- **How Do Doctors Get the Info?** Doctors will get the information from treating the patient, as well as from others who have treated the patient via secure online service.⁹³ For BHIX, only authorized individuals involved in giving or improving the quality of medical care will be able to access medical information using BHIX.⁹⁴ For Healthix-only doctors involved in your care can get access to the information.⁹⁵
- **Do Patients Have to opt-in or opt-out each time?**-Appears to be a one time thing, unless the patient changes their mind.

⁹⁰ Information gathered from Healthcare Information Exchange New York FAQ Section; <http://www.hixny.org/Patients/patient-faqs>

⁹¹ Information gathered from Brooklyn Health Information Exchange For Consumers Patient Consent Section; <http://www.bhix.org/for-consumers/patient-consent/>

⁹² Information gathered from Healthix-What is Healthix Section; <https://services.lipixportal.org/Content/resources/WhatIsHEALTHIX.pdf>

⁹³ Id.

⁹⁴ Id.

⁹⁵ Id.

North Carolina

- **Strategic Operation Policy:** Opt-out. Consumers are “in” until they “opt out” through a formal process that can be done via phone or mail.⁹⁶
- **How Do Doctors Get the Info?** Doctors in North Carolina get access to a patient’s information by virtue of a treatment relationship. If there is no relationship, the patient’s record is locked within the HIE system. The provider can “break the glass” to review the record and must document why they are doing so. This process is audited by NC HIE. If a patient has opted out, the record is locked regardless of the provider’s relationship with the patient. In this situation, the provider can also “break the glass” documenting the reason for doing so.⁹⁷
- **Do Patients Have to opt-in or opt-out each time?** When a patient opts out in NC, they are opted out indefinitely (or until they rescind their decision to opt out). NV has a multi-tiered opt-out policy and a patient can chose to: 1) opt out of everything; 2) opt out of having info from XYZ facility shared in the HIE; or 3) opt out of having info in from the XYZ doctor shared in the HIE.⁹⁸
- **What is the rule for patients with multiple specialists:** North Carolina does not currently have a rule for patients with multiple specialists.⁹⁹

⁹⁶ Email from Whitney Baker, Marketing and Customer Advocacy, North Carolina Health Information Exchange (December 7, 2012, 2:01 PM PST)

⁹⁷ Id.

⁹⁸ Id.

⁹⁹ Id.

North Dakota

- **Strategic Operation Policy: Opt-Out.** To opt-out, a patient must sign the opt-out form, either electronic or on paper.¹⁰⁰
- **How do Doctors Get the Info?** It appears that health care providers who are participating in the North Dakota Health Information Network, and who notify their patients that they are participating have access to their patients electronic records, provided the patient does not opt-out.¹⁰¹
- **Do Patients Have to Opt-In/Opt-Out Each Time?** It appears to be a one time thing. Patients can revoke their opt out status though.¹⁰²

¹⁰⁰ Information gathered from North Dakota Health Information Network FAQ for Consumers; <http://www.ndhin.org/consumers/faq>

¹⁰¹ Id.

¹⁰² Id.

Ohio

- **Strategic Operation Policy: Opt-In.** Requires a provider to obtain the patient's authorization prior to disclosing patient's PHI to ClinSync.¹⁰³
- **How Do Doctors Get the Info?** Appear to get it from treating the patient.
- **Do Patients Have to opt-in or opt-out each time?** A physician or healthcare provider needs to get consent the first time a patient's information is exchanged on the HIE. After the initial consent, all treating physicians who are connected to CliniSync will have access to that information when and where they need it.¹⁰⁴
- **What is the rule for patients with multiple specialists?** Yes (see bullet above under which an opt-in or opt-out can be held to apply to patients with multiple specialists).

¹⁰³ Information gathered from Summary on New Law On Health Information Exchanges;
http://www.clinisync.org/public/images/stories/Summary_of_New_Law_on_Health_Information_Exchanges.pdf

¹⁰⁴ Information gathered from CliniSync Section-About Health Information Exchange From a Patient Perspective;
http://www.clinisync.org/public/images/stories/ohip/files/Patient_Fact_Sheets/about%20hie%20from%20a%20patient%20perspective3-green.pdf

Pennsylvania

- **Strategic Operation Policy: Opt In.**^{105,106}
- **How Do Doctors Get the Info?** Doctor's get this information if they have a doctor-patient treatment relationship with the patient and the patient has given authorization for the doctor to release the information.¹⁰⁷
- **Do Patients Have to opt-in or opt-out each time?** You must sign an authorization form at each hospital to release information there.¹⁰⁸
 - Example Authorization Form¹⁰⁹

¹⁰⁵ Information gathered from Frequently Asked Questions Section of Keystone Health Information Exchange; <https://www.keyhie.org/faq.cfm#patients>

¹⁰⁶ Please note the information for Pennsylvania comes from the website Keystone Health Information Exchange. This HIE only covers a 31-county region in PA. However the main PA HIE website did not have any information.

¹⁰⁷ Id.

¹⁰⁸ Id.

¹⁰⁹ Example authorization-Keystone Health Information Exchange, https://www.keyhie.org/media/pdf/auth_example.pdf

Rhode Island

- **Strategic Operation Policy:** Opt in.¹¹⁰
- **How Do Doctors Get the Info?** Looks like doctor gets the information by virtue of the doctor-patient relationship and if the patient has given permission for a particular doctor to have access to the information.¹¹¹
- **Do Patients Have to opt-in or opt-out each time?** One time.
- **What is the rule for patients with multiple specialists?** Patient decides whether some of all of their doctors can see their information.¹¹²

¹¹⁰ Information gathered from Current Care: Health Information Exchange for Safer, Better Care, FAQ Section;
http://www.currentcareri.com/matriarch/MultiPiecePage.asp?Q_PageID=E_10_A_PageName=E_ConsumerFAQ

¹¹¹ Id.

¹¹² Id.

South Carolina

- **Strategic Operation Policy: Opt-Out.** Medicaid patients must call Resource Center and Lakelands Rural Health Network patients have to inform provider and sign a form signaling that they wish to opt-out.¹¹³
- **How do Doctors Get Access to the Information?** Doctors get access to a patient's health record when they give care to a patient, provided the patient has not informed the provider and signed a form signaling they wish to opt-out.¹¹⁴
- **Do Patients have to Opt-Out/Opt-In each time?** Only have to opt-out one time.¹¹⁵
- **What is the rule for patients with multiple specialists?** No rule for specialists at this time.¹¹⁶

¹¹³ Information gathered the South Carolina Health Information Exchange; Frequently Asked Questions; <http://www.schiex.org/faq.php>

¹¹⁴ Id.

¹¹⁵ Id.

¹¹⁶ Id.

Utah

- **Strategic Operation Policy: Opt Out.** Three policies: participate; limited participation; and don't participate.¹¹⁷
 - Individual Patient Consent & Change Form¹¹⁸
 - Family Consent & Change Form¹¹⁹
- **How Do Doctors Get the Info?** Get information by virtue of the doctor-patient relationship and as long as the patient has given permission.¹²⁰
- **Do Patients Have to opt-in or opt-out each time?** Looks like a one-time thing.

¹¹⁷ Information gathered from MyChie: Patients Section;
<http://www.mychie.org/patients/>

¹¹⁸ Individual Patient Consent & Change Form-MyChie: Patients Section,
http://mychie.org/files/consent/cHIE_Patient_Consent_and_Change_Form.pdf

¹¹⁹ Family Consent & Change Form-MyChie Patients Section,
http://mychie.org/files/consent/cHIE_Family.pdf

¹²⁰ Id.

Vermont

- **Strategic Operation Policy:** Vermont is an opt-in state.¹²¹
- **How Do Doctors Get the Info?** Doctors in Vermont only have access to a patient's information if the doctor is treating the patient and the patient has consented to having their information viewed.¹²²
- **Do Patients have to opt-in or opt-out each time?** In Vermont, a patient's consent is good until revoked. Patients can decide which provider organizations they are allowing to review their data.¹²³

¹²¹ Email from Steve Larose, Vice President, External Affairs, VITL (December 8, 2012)

¹²² Id.

¹²³ Id.

Virginia

- **Strategic Operation Policy:** Opt-in. Sign a form that will allow your medical information to be shared through ConnectVirginia.¹²⁴
 - Opt-In Form¹²⁵
- **How Do Doctors Get the Info?** Looks like they get the information by virtue of their doctor-patient relationship provided the patient has opted in.
- **Do Patients Have to opt-in or opt-out each time?** Looks like it's a one-time thing.

¹²⁴ Information gathered from ConnectVirginia: Frequently Asked Questions for Patients; <http://www.connectvirginia.org/exchange-faqs#optin>

¹²⁵ Opt-in Form-Connect Virginia,
<https://www.connectvirginia.org/sites/default/files/ConnectVirginia%20EXCHANGE%20Patient%20Consent%20Form.pdf>

West Virginia

- **Strategic Operation Policy: Opt-Out.** To opt-out, patients must fill out a request to opt-out form and return it to their provider.¹²⁶
- **How do Doctors get the Information?** Healthcare providers who have a treatment relationship with a patient have access to the patient's personal health information through the HIE, provided the patient does not opt-out.¹²⁷
- **Do Patients have to Opt-In or Opt-Out each time?:** Appears to be a one-time thing.¹²⁸

¹²⁶ Information gathered from the West Virginia Health Information Network Frequently Asked Questions Section;
<http://www.wvhin.org/patients/faq/default.aspx>

¹²⁷ Id.

¹²⁸ Id.